

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>IN RE: GENENTECH HERCEPTIN</b>	)	
<b>(TRASTUZUMAB) MARKETING</b>	)	<b>MDL DOCKET NO. 16-MD-2700</b>
<b>AND SALES PRACTICES</b>	)	<b>ALL CASES</b>
<b>LITIGATION</b>	)	

**PRACTICE AND PROCEDURE ORDER**

1. This Order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to the Transfer Order dated April 7, 2016, as well as all related actions originally filed in this Court or transferred or removed to this Court. This Order shall also govern the practice and procedure in any tag-along actions pursuant to Rule 1.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation.
2. The civil actions described in paragraph 1 of this Order are consolidated for pretrial purposes. This consolidation, however, does not constitute a determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which that party has not been named, served, or added in accordance with the Federal Rules of Civil Procedure.
3. Counsel shall familiarize themselves with this Court's Local Civil Rules and with the current edition of the Manual for Complex Litigation, which is hereby adopted by the Court for general guidance. The provisions of this Order supersede any inconsistent provisions in the Court's Local Civil Rules.
4. All orders, pleadings, motions, and other documents shall bear the same caption as this Order. If a document is generally applicable to all consolidated actions, the MDL docket

number shall be followed by the notation “**ALL CASES.**” If a document applies only to a particular case or cases, the caption shall include the docket number of each individual case to which it pertains.

5. All filings shall be done electronically using the CM/ECF system in accordance with the CM/ECF Administrative Guide of Policies and Procedures for the United States District Court for the Northern District of Oklahoma.<sup>1</sup> Service through CM/ECF shall be deemed sufficient with no additional service required, with the exception of new complaints filed and subpoenas issued, which shall be served in accordance with the Federal Rules of Civil Procedure. Questions about filings in this case may be directed to:

Stacy Turner  
Courtroom Deputy to Hon. Terrence C. Kern  
(918) 699-4742

6. Any document filed in any consolidated action shall be filed with the Clerk of this Court and not with the transferor district court.
7. Counsel who appeared in a transferor court prior to transfer need not enter an additional appearance before this Court. Moreover, attorneys admitted to practice and in good standing in any United States District Court are admitted to practice in this litigation pursuant to Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. The requirements of Local Civil Rule 83.2 regarding admission *pro hac vice* are waived. Association of local counsel is not required.
8. Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for production, requests for admission, and answers and responses

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<sup>1</sup> This Guide is available at:  
<https://www.oknd.uscourts.gov/docs/08906891-22d0-4806-9544-b574b9932935/CMECFAdminManual.pdf>.

thereto need not be filed with the Court, except that discovery materials used in support of a motion or at trial shall be filed.

9. All time limits for responsive pleadings are suspended, and all discovery and motion practice is stayed until entry of the Case Management Order (“CMO”).
10. This case is scheduled for an Initial Case Management Conference (“CMC”) on May 4, 2016 at 1:30 p.m. Following the CMC, the Court will enter the CMO.
11. Attendance at the CMC will not waive objections to jurisdiction, venue, or service.
12. Counsel shall meet and confer in advance of the CMC to formulate a joint proposed CMO and joint proposed agenda. The proposed CMO and agenda shall be submitted to the Court on or before April 29, 2016. If the parties cannot agree on a joint proposed CMO, the parties shall present a proposed CMO outlining the differences between the parties’ proposals.

**SO ORDERED** this 18th day of April, 2016.

  
**TERENCE KERN**  
**United States District Judge**